

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

| | | |
|---|---|-----------------------------|
| MASTER LENDING GROUP, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION |
| |) | FILE NO. 4:21-cv-263 |
| TRUIST BANK, |) | |
| |) | |
| Defendant/Third-Party Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| HIRSCH & TUCKER, LLC, |) | |
| |) | |
| Third-Party Defendant. |) | |

ANSWER AND AFFIRMATIVE DEFENSES OF HIRSCH & TUCKER, LLC

NOW COMES HIRSCH & TUCKER, LLC, (“Hirsch & Tucker”) and files this answer and affirmative defenses to the Third-Party Complaint of Truist Bank (“Truist”) as follows:

FIRST DEFENSE

The allegations of Defendant Truist’s Third-Party Complaint fail to state a claim against Hirsch & Tucker upon which relief can be granted.

SECOND DEFENSE

Truist is estopped to assert the claims contained in its Third-Party complaint based on its own negligence and deviation from reasonable commercial standards.

THIRD DEFENSE

Truist is guilty of laches in failing to follow reasonable commercial standards in the handling of items presented for payment and is therefore barred for asserting the claims herein.

FOURTH DEFENSE

All conditions precedent to any liability by Hirsch & Tucker have failed to occur in that Truist did not undertake its minimum duty with regard to items presented for payment, which would have revealed the lack of proper endorsement or any endorsement on the items presented for payment.

FIFTH DEFENSE

For a separate and distinct defense, Hirsch & Tucker answers the numbered paragraphs of Truist's Third-Party Complaint as follows:

1.

The allegations of paragraph 1 are admitted.

2.

The allegations of paragraph 2 are admitted.

3.

The allegations of paragraph 3 are admitted.

FACTUAL ALLEGATIONS

4.

The allegations of paragraph 4 are admitted.

5.

The allegations of paragraph 5 are admitted.

6.

The allegations of paragraph 6 are admitted.

7.

The allegations of paragraph 7 are admitted.

8.

The allegations of paragraph 8 are admitted.

9.

The allegations of paragraph 9 are admitted.

10.

The allegations of paragraph 10 are denied.

11.

The allegations of paragraph 11 are admitted.

12.

The allegations of paragraph 12 are denied.

13.

The allegations of paragraph 13 are denied.

14.

The allegations of paragraph 14 are denied.

15.

The allegations of paragraph 15 are denied.

16.

The allegations of paragraph 16 are denied.

17.

The allegations of paragraph 17 are denied.

18.

The allegations of paragraph 18 are denied.

19.

The allegations of paragraph 19 are denied.

20.

The allegations of paragraph 20 are denied.

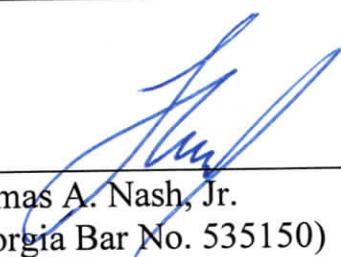
21.

Hirsch & Tucker deny each and every allegation of Truist's Third-Party Complaint and not hereinabove specifically admitted, controverted, or denied.

WHEREFORE, Hirsch & Tucker prays that:

- (a) Truist's Third-Party Complaint be dismissed and the costs thereof cast against Truist;
- (b) That it have a trial by jury on all issues so triable;
- (c) For such other and further relief as the court deems just and proper.

This 30th day of March, 2022.



Thomas A. Nash, Jr.
(Georgia Bar No. 535150)
Counsel for Third-Party Defendant

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CERTIFICATE OF SERVICE

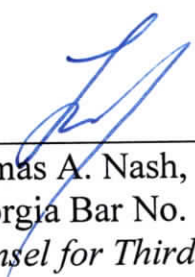
I hereby certify that on this 30th day of March, 2022, I electronically filed the foregoing ANSWER AND AFFIRMATIVE DEFENSES OF HIRSCH & TUCKER, LLC with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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This 30th day of March, 2022.



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